



# AGENDA REPORT

**TO:** HONORABLE CHAIR AND PLANNING COMMISSIONERS

**FROM:** Matthew Feske, Community Development Director

**DATE:** October 13, 2020

**SUBJECT:** Public Hearing to review and consider the six-lot Residential Planned Development Project Initial Study/Mitigated Negative Declaration ENV-02-16; General Plan Map Amendment GPA-02-18; Specific Plan Map Amendment SPA-01-18; Zoning Map Amendment ZOA-01-18; Vesting Tentative Residential Subdivision Map MAP-01-16; Development Plan Permit DP-01-19; and Tree Removal Permit TRP-31-19.

---

## **RECOMMENDATION**

Staff recommends that the Planning Commission receive and consider the staff report and all information provided and submitted to date, receive and consider any public testimony, and if determined to be appropriate:

- 1) Approve Planning Commission Resolution No. 02-2020 (**Attachment A**) recommending the City Council adopt the Oak Creek Canyon Residential Subdivision Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) (ENV-02-16); and
- 2) Approve Planning Commission Resolution No. 03-2020 (**Attachment B**) recommending City Council approval of a General Plan Map Amendment to eliminate the Public/Quasi Public (PQ) designation for the Oak Creek Canyon Residential Subdivision Planned Development Project (GPA-02-18); and
- 3) Approve Planning Commission Resolution No. 04-2020 (**Attachment C**) recommending City Council approval of a Marsh Creek Road Specific Plan (MCRSP) Map Amendment to change the open space designation to Public Open Space designation for the Oak Creek Canyon Residential Subdivision Planned Development Project (SPA-01-18); and

- 4) Approve Planning Commission Resolution No. 05-2020 (**Attachment D**) recommending City Council approval of Ordinance No. XXX (**Attachment E**) for a rezone of the project site from Single Family R-10 and Public Facility (PF) to Planned Development District (PD) for the Oak Creek Canyon Residential Subdivision Planned Development Project (ZOA-02-18); and
- 5) Approve Planning Commission Resolution No. 06-2020 (**Attachment F**) recommending City Council approval of the Oak Creek Canyon Residential Subdivision Planned Development Project Development Plan (DP-01-15), Tentative Subdivision Map (MAP-01-16), Development Review Permit (DP-01-19), and Tree Removal Permit (TRP-31-19) for a six-lot subdivision for six single-family homes.

### **Alternative Recommendation**

1. Request staff draft a resolution recommending that the City Council deny the General Plan Amendment, Marsh Creek Road Specific Plan Amendment, Rezone, Development Plan, Tentative Tract Map, Development Review Permit, and Tree Removal Permit.

### **REQUEST**

The applicant, Kevin English, West Coast Home Builders, Inc., requests approval of an Initial Study/Mitigated Negative Declaration, General Plan Map Amendment, Specific Plan Map Amendment, Zoning Map Amendment, Development Plan, Vesting Tentative Map, and Tree Removal Permit. The project is located on approximately nine acres of land in Clayton at the north side of Marsh Creek Road at its intersection with Diablo Parkway in Clayton, CA. (see Attachment F for Vicinity Map).

The proposal entails review of the following entitlements:

- Environmental Review (ENV-02-16)  
Review and consideration of the Oak Creek Canyon Residential Planned Development Project IS/MND and MMRP prepared in accordance with the California Environmental Quality Act (CEQA). This report analyzes the potential impacts caused by the project and identifies various measures to mitigate these impacts.
- General Plan Amendment (GPA-02-18)  
The project site is currently designated by the City of Clayton General Plan Land Use Element as Low- Density (LD), PQ, and Private Open Space (PR). Single-family dwellings are not consistent with the PQ and PR designation. Therefore, the proposed project includes a General Plan Map Amendment to eliminate the PQ designation, and shift areas of the PR and LD designations of the site to allow for the construction of six single-family residential lots.
- Zoning Map Amendment (ZOA-01-18)  
The project site is currently zoned R-10 and PF. R-10 allows the construction of residences for the owner or lessee, while PF is intended to provide areas for public facilities such as government offices, public safety facilities, and other public land uses. The proposed

project includes a request to rezone the entire site from R-10 and PF to PD in order to encompass the residential uses and bioretention basin.

- Marsh Creek Road Specific Plan Map Amendment (SPA-01-18)  
The project site is currently designated by the Marsh Creek Road Specific Plan Low Density Residential and Open Space. The MCRSP allows for alternative Open Space preservation. The project site proposes Private Open Space.
- Development Plan (DP-01-19)  
A Development Plan to review the architecture and design of the six proposed single-family residences measuring approximately 3,049 to 4,488 square feet in area and 23 to 32 feet in height as well as the project-related landscaping, drainage, fencing, lighting, and retaining walls.
- Vesting Tentative Map (MAP-01-16)  
A Vesting Tentative Map to subdivide the existing approximately 9-acre property into six proposed single-family residential lots with private open space.
- Tree Removal Permit (TRP-31-19)  
A Tree Removal Permit to allow the removal of nine of the 21 trees existing on the project site and replacement with newly planted trees, shrubs, and groundcover.

## **PROJECT INFORMATION**

Applicant/owner:	West Coast Home Builders, Inc. 4061 Port Chicago Highway Concord, CA 94520 Contact: Kevin English (925) 682-6419
Acreage/Location:	9.03 acres Northwest of the intersection of Marsh Creek Road and Diablo Parkway APN: 119-070-008
General Plan Designation	
Existing	Private Open Space PR, Public/Quasi Public PQ, and Low-Density Residential LD (1.1 - 3 units per acre)
Proposed:	Private open Space PR, and Low-Density Residential LD (1.1 - 3 units per acre)
Zoning Classification	
Existing:	R-10 Residential and Public Facility PF
Proposed:	Planned Development PD

## Marsh Creek Road Specific Plan

Existing: Open Space OS, and Low-Density Residential LD  
Proposed: Private Open Space PR, and Low-Density Residential LD

Surrounding General Plan Designations: North: Public Park / Open Space / Open Space and Recreational  
South: Single-Family Low Density (1.1 – 3.0 units per acre)  
East: Vacant Grazing land  
West: Single-Family Low Density (1.1 – 3.0 units per acre)

Surrounding Zoning Classifications: North: Planned District (PD) and Community Park  
South and West: Single-Family Residential R-10 District  
East: Marsh Creek Road Specific Plan

Environmental Review: Oak Creek Canyon Planned Development Project Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (ENV-02-16) prepared in accordance with the California Environmental Quality Act is discussed in further detail below.

Public Notice: On August 19, 2020, a Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration and a Notice of a Public Hearing for the Oak Creek Canyon Planned Development Project was published in the Contra Costa Times, posted on the notice boards, and mailed to property owners within 300 feet of the project site. The 20-day public review period for the project's Initial Study/Mitigated Negative Declaration was from August 21, 2020, to September 9, 2020. The public hearing date was noticed for October 13, 2020.

Authority: Section 65354 of the California Government Code requires the Planning Commission to provide the City Council with a written recommendation on general plan amendments.

Sections 65354 and 65453 of the California Government Code requires the Planning Commission to provide the City Council with a written recommendation on specific plan amendments.

Section 17.56.060 of the Zoning Ordinance requires any Planning Commission recommendations on zone changes to be made by Planning Commission resolution.

## **BACKGROUND/DISCUSSION**

The 9.03-acre project site is located northwest of the intersection of Marsh Creek Road and Diablo Parkway and surrounded by existing single-family residential neighborhoods to the west

and south. The subject property is vacant land. The applicant proposes to subdivide the existing property into six residential lots.

The Oak Canyon Creek Annexation and Residential Subdivision Project was approved by the City of Clayton on April 5, 2005, along with adoption of an Initial Study/Mitigated Negative Declaration; however, the project was never constructed. The previously-approved entitlements for the project included a property annexation, a General Plan Amendment, an amendment to the MCRSP, pre-zoning of the project site, a tentative subdivision map for five single-family lots and one lot for a bio-retention basin, a Development Plan review permit for home landscape and design, and a Use Permit for the stormwater basin. It should be noted that the General Plan Amendment pertained to a parcel that is not included in the current project proposal.

Given that original project was never constructed, several project entitlements have since expired. In addition, the project applicant has modified the project to include six homes instead of the five homes included in the original proposal, and the size of the proposed bio-retention basin has been reduced. As discussed in greater detail below, the project entails review and consideration of an IS/MND (ENV-02-16), General Plan Map Amendment GPA-02-18; Specific Plan Map Amendment SPA-01-18; Rezone ZOA-02-18 (Map Amendment); Tentative Vesting Map MAP-01-16; Development Plan Permit DP-01-19; and Tree Removal Permit TRP-31-19.

#### **PLANNING COMMISSION AND CITY COUNCIL ACTIONS**

Due to the requested and proposed legislative actions, the General Plan Map Amendment, Zoning Map Amendment, Environmental Study, and Marsh Creek Specific Plan Amendment, the City Council will be the final hearing body for this project; therefore, the Planning Commission actions will consist of recommendations to the City Council. The Planning Commission will first review and make separate recommendations to the City Council on the first four entitlements: the IS/MND and MMRP (ENV-02-16); the General Plan Amendment (GPA-02-18); MCRSP Amendment (SPA-01-18) and the Rezone (ZOA-02-18), and then will make a recommendation to the City Council for the remaining entitlements: the Development Plan (DP-01-19); the Tentative Parcel Map (MAP-01-16); and the Tree Removal Permit (TRP-31-19) together under one recommendation.

Separate Resolutions have been drafted for the first four entitlements (ENV-02-16, GPA-02-18, ZOA-02-18, and SPA-01-18) and then the remaining three entitlements (DP-01-19, MAP-01-16, , and TRP-31-19) are bundled together in one Resolution. In total, the Planning Commission will review and render recommendations to the City Council on five individual Resolutions.

#### **ENVIRONMENTAL REVIEW**

In compliance with CEQA, the City has prepared an IS/MND and MMRP for the proposed project. The IS/MND was circulated for a 20-day public review period from August 21, 2020, to Sept 8, 2020. Due to the length of the IS/MND, the document was distributed to the Planning Commission electronically on October 2, 2020. The IS/MND and MMRP are available for review at the Community Development Department on the third floor of City Hall and can also be found on the City's website at:

<https://ci.clayton.ca.us/community-development/planning/development-activity/current-projects-oak->

[creek-canyon/](#).

The IS/MND evaluated the potential project-related environmental impacts: aesthetics, agriculture resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation/circulation, tribal cultural resources, utilities and service systems, wildfire, and mandatory findings of significance. Of the 20 potential impacts evaluated, the IS/MND identified five environmental factors that are “potentially significant”: biological resources, cultural resources, geology and soils, hazards and hazardous materials, and tribal cultural resources. Mitigation measures have been provided for the five potentially significant impacts, thereby reducing the project impacts on the environment to a “less-than-significant” level. The evaluations, impacts, and mitigation measures are described in detail in the IS/MND.

### **GENERAL PLAN MAP AMENDMENT**

The project site is currently designated by the City of Clayton General Plan Land Use Element as LD, PQ, and PR. Single-family dwellings are not consistent with the PQ and PR designation. Therefore, the proposed project includes a General Plan Map Amendment to change the boundaries of the LD and PR areas and eliminate the PQ designation which would allow for the construction of six single-family residential lots (see Attachment H). Previous plans depicted a detention basin in the PQ-designated location. The basin has been changed to a private facility, thus no longer requiring the PQ designation.

In looking at the surrounding General Plan land use designations, directly adjacent to the project site are Single-Family Low Density LD (1.1 to 3 units per acre), Public Park/Open Space/Open Space and Recreational PU, Private Open Space PR, and Rural Estate RD.

### **Housing Element**

State law requires that the State Department of Housing and Community Development (HCD) forecast statewide housing needs and allocate the anticipated need to regions throughout the state. For the Bay Area, HCD provides the regional need to the Association of Bay Area Governments (ABAG), which then distributes the Regional Housing Needs Assessment (RHNA) to the cities and counties within the ABAG region. ABAG allocates housing production goals for cities and counties based on their projected share of the region’s household growth, the state of the local housing market and vacancies, and the jurisdiction’s housing replacement needs.

“For the 2014-2022 projection period, ABAG has allocated the City of Clayton a total of 141 housing units, which must be accommodated for and demonstrated within the City’s Housing Element. The City’s 2015-2023 Housing Element identifies a citywide capacity of 275 housing units, which provides for a housing surplus of 134 units above the City’s assigned RHNA of 141 units. The Housing Element identifies the entire project site as an “approved site.” As the original Site Plan Review Permit expired, the City is conditioning the developer to provide 1 low-income housing unit off-site as part of the Affordable Housing Plan for the project.

### **ZONING MAP AMENDMENT**

The proposed project includes a request to rezone the entire site from R-10 and PF to PD in order to encompass the residential uses, private open space, and bioretention basin (see Attachment J). R-10 allows the construction of residences for the owner or lessee, while PF is intended to provide areas for public facilities such as government offices, public safety facilities, and other public land uses. Previous (expired) plans for 5 residential lots included a public detention basin on the property in the PF zone.

### **MARSH CREEK ROAD SPECIFIC PLAN MAP AMENDMENT**

The project site is currently designated by the Marsh Creek Road Specific Plan Low Density Residential and Open Space. The MCRSP allows for alternative Open Space preservation. The project site proposes Private Open Space, which is the General Plan designation for the parcels open space. (See Attachment I)

### **DEVELOPMENT PLAN PERMIT**

A Planned Unit Development of five (5) lots or more requires a Development Plan Permit. The development plan review process reviews the proposed site plan, architecture, arrangement and spacing of structures to provide appropriate open spaces around them, landscaping, vehicular and pedestrian access, lighting, fences, and walls.

### **TENTATIVE PARCEL MAP**

The Tentative Parcel Map proposes to create six new single-family residential lots on the undeveloped property along Marsh Creek Road. The proposed single-family residential lots are proposed to have a single-family residence placed on each lot that will be accessed by a driveway off Saltbrush Lane. A shared driveway is proposed for lots 1 and 2. Section 17.37.090.D.4 of the Clayton Municipal Code (CMC) states, in part, that the City Engineer may require driveway widths in excess of the minimum 16-foot requirement “where unusual traffic, grade, or site conditions prevail.” Because the proposed driveway grade may be up to 20%, the Vesting Tentative map shall show a minimum 20-foot driveway width curb to curb, in accordance with CMC Section 17.37.090.D.4, for which a condition has been provided.

Three existing easement areas are located on the property: an existing 8-foot-wide Public Utility Easement parallels and is next to Marsh Creek Road; a 50-foot-wide easement between Contra Costa Water District (CCWD) parcel and Marsh Creek Road; and four pipeline easements along the east property line. The project has conditions addressing the safety of working near the easements, landscaping, and clearing title to non-existent or abandoned pipelines.

The MCRSP delineates a trail on the east side of the property line. A condition has been added that the project show dedication of a 10-foot-wide public access easement along the eastern edge of lots 5 and 6. A six-foot-wide pedestrian trail shall be installed in the easement as shown on the MCRSP.

Section 16.12 of the CMC requires all new subdivisions to dedicate land, pay a fee in-lieu thereof, or both for park and recreational purposes. For projects involving 50 parcels or less, the proposed subdivision is required to pay a fee equal to the land value of the portion of the local park

required to serve the needs of the residents of the proposed subdivision. A condition has been provided requiring payment of parkland dedication fees at the time of filing the final map.

### **Constraints Map**

Section 17.22 of the CMC requires a residential density computation that does not include sensitive land areas for purposes of calculating the permitted subdivision capacity (density) on a parcel or parcels of land. Because of the constraints due to sensitive land areas, residential parcels with sensitive land areas shall fall within a not-to-exceed maximum density for developable acreage and shall not have a minimum density requirement. 3.52 acres of the 9.03-acre lot are on slopes greater than 26 percent. This leaves 5.51 acres. The general plan for the Single-Family Low-Density LD (1.1 to 3 units per acre), computes to 6 to 16 allowable residences. (See Attachment K)

### **Open Space**

The proposed project is requesting a rezone of the entire project site to PD; therefore, the provisions of CMC Chapter 17.28 would also be applicable, including the open space requirements of CMC Section 17.28.100. This section requires provisions for active and passive open space comprising of at least 20 percent of the project site. As a result, the proposed project would be required to acquire and dedicate off-site land for open space or make an in-lieu contribution for the dedication of open space.

The total area of the six single-family home sites is 9 acres, and the developer is required to provide 20 percent of that square footage as open space with 10 percent active open space and 10 percent passive open space. The project shows 5 acres passive open space, and no active open space. Since on-site active open space is not being provided, the developer has three options and shall memorialize the selected option or a combination of options by entering into an agreement with the City: 1) acquire the equivalent amount of land for public open space and/or the construction of open space at an off-site location, 2) payment of an in-lieu financial contribution to the City for acquisition and/or maintenance of public open space, or 3) if the financial contributions are based upon maintenance costs, such contributions shall be based upon reasonable maintenance costs for a 10-year period and shall be proportional to the land area that would be required if open space area was provided on-site. The acquisition of open space or the in-lieu fee shall be paid at the time of filing the final map. Staff has provided a condition that the project shall comply with the open space requirements of the CMC.

### **Street Section**

The Tentative Parcel Map shows two typical cross sections for Saltbrush Lane that do not conform to the MCRSP. The standard for a collector road in the MCSP shows a 4-foot sidewalk, a 6-foot landscape strip, 10-foot parking and bike lane, two 11-foot travel lanes, and 6 feet of landscaping. Conditions of Approval call for the dedication of the 48-foot right-of-way and grading of the entire right-of-way. The Developer is being required to build a 4-foot sidewalk, 6-foot landscape strip (including curb), and 24-foot roadway (including gutter) to accommodate two travel lanes and a 2-foot shoulder.



## **GRADING**

The maximum elevation of the property is approximately 690 feet above sea level with a minimum elevation of approximately 587 feet above sea level. Geotechnical remediation reports depict an old slide on lots 1 through 3 which is proposed to be repaired as part of the grading work. Lots 1, 2, and 3 each have retaining walls that are a maximum of 3 feet high. Plans depict a balanced site.

A condition has been added that requires plans be modified to show full section grading of Saltbrush Lane.

## **East Contra Costa County Habitat Conservancy**

According to the Plant Survey Report, the project site consists of approximately 6.57 acres of annual grassland land cover and 2.46 acres of ruderal land cover. The project site is located within the boundaries of the *East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (ECCCHCP/NCCP)*, which is intended to provide an effective framework to protect natural resources in the County. The project site is located within Zone 2 of the Fee Payment Zones designated in the ECCCHCP/NCCP. As per the Fee Payment Zones, the proposed project would be subject to payment of all applicable fees prior to construction of the project.

Prior to grading the project, the initial study requires mitigation measures to minimize effects of the project, which are included in the conditions of approval.

## **UTILITIES**

Water, sewer, and stormwater infrastructure for the subdivision is shown on the project utility plan. A detention basin is planned for lot 6, while the smaller basins shown are conditioned to be eliminated and the lot 6 basin redesigned to accept the flows for ease of maintenance. All utilities are to be sized to accommodate buildout of the MCRSP.

### **Water**

The CCWD will provide water to the residential project site. Currently, an existing CCWD water main is located along Marsh Creek Road that the applicant proposes to utilize in order to serve the six lots extending in a proposed line from the existing water main with two water laterals to each lot.

### **Sewer**

Sewer service is currently provided in proximity to the residential project site by the City of Concord from an existing sewer line located on Marsh Creek Road that runs south along the road. The project would include the connection of the proposed residential units to sewer service by way of a new 8-inch sewer line extending from the existing sewer main, with six sewer laterals proposed to service the six residential parcels, one sewer lateral to each lot.

### **Stormwater**

In order to comply with State's C.3 standards, the portion of the project site proposed for development has been separated into drainage management areas corresponding with the six residential units proposed as part of the project. Stormwater runoff from the drainage

management areas would be directed to separate bioretention areas, Per C.3 Guidebook instructions, and the proposed bioretention areas would be sized with adequate capacity to receive and treat all runoff from the impervious areas of the project. Runoff entering the bioretention areas would move through permeable soil layers, which would slow the stormwater while also removing pollutants that may be contained in the runoff. Stormwater that exceeds the bioretention facilities' infiltration capacity, such as in the case of heavy storm events, would be directed to existing stormwater infrastructure located on at the Saltbrush Road intersection with Marsh Creek Road.

Funding for the operation and maintenance of the stormwater detention basin is the responsibility of the Homeowners Association (HOA). A Community Facilities District (CFD) is being required to take on the operation and maintenance of the stormwater facilities (and landscape maintenance) should the HOA fail to meet their obligation.

Conditions have been provided addressing project-related stormwater, storm drain, and drainage issues, including the applicant submitting to the City Engineer for review and approval a stormwater operations and maintenance plan along with a final stormwater control plan.

The drainage area in the southern portion of the project site had been recently disked prior to visual reconnaissance surveys of the project area by biologist Leslie Koenig to evaluate biological resource conditions at the site in 2017 and 2018. However, several indicators were found suggesting considerable surface water flows across the site in the vicinity of the mapped drainage alignment, and that without the routine disturbance from disking, a natural drainage with a bed and bank could form within the site. Project plans propose a 48-inch storm drain, and mitigation measures require that prior to approval of grading plans for the proposed project, the project applicant shall complete a formal wetland delineation and submit the delineation to the U.S. Army Corps of Engineers (USACE) for verification. If the project site is determined to include jurisdictional wetlands that would be altered as part of the proposed development, a Section 404 permit for fill of jurisdictional wetlands would be required, and mitigation for impacts to jurisdictional waters that cannot be avoided shall conform with the USACE "no-net-loss" policy prior to approval of grading plans.

## **DEVELOPMENT PLAN PERMIT REVIEW**

### **Development Standards**

The Planned Development District designation allows for flexibility in regulations, limitations, and restrictions different than those specified elsewhere in the City, such as setbacks and height limitations, location of pedestrian and vehicular access, construction fences and walls, amongst others. The development standards for the six lots for the six single-family homes are proposed in the table below. Staff analyzed the development standards in the adjacent Single-Family Residential Districts and found the proposed development standards were identical to those within the Single-Family Residential R-10 District, which is the existing zoning district; therefore the proposed development standards conform to surrounding existing development standards, development patterns, and house orientations. Note, the lots are greater in size than those existing to the south and west of the project due to the sensitive lands of the slopes, however as

a gateway to Clayton (until future MCRSP development occurs), the project conforms to the topography by clustering the development in the flatter land area.

### **R-10 Standards**

#### **Setback Analysis**

The Planned Development zoning proposed for the site allows the project to establish project-specific setbacks, at the discretion of the Planning Commission and City Council. Staff has provided a R-10 setback table. The proposed setbacks for the proposed homes are consistent with surrounding existing interior lot setbacks and provide a greater amount of setback area than surrounding lots in the R-10 District.

The proposed site plan shows that the proposed homes meet the minimum lot width at the front setback line of 80 feet, excepting the flag lot on lot 2 that shows adequate layout relationship to neighboring homes on lots 1 and 3. The project site plan demonstrates the six proposed homes have setbacks equal to or greater than those shown on the table below.

R-10 Setback Table

<b>Front Setback</b>	<b>Interior Side Setback</b>	<b>Exterior Side Setback</b>	<b>Rear Setback</b>	<b>Building Height</b>	<b>Accessory structures</b>	<b>Lot area</b>
20'	10' minimum 20' aggregate	20'	15'	35'	Per MC 17.16.130	10,000 S.F. Min.

The area and depth of each lot are greater than the R-10 10,000-square-foot-minimum lot size and the 90-foot-minimum lot depth.

As discussed under the Vesting Tentative Map Grading section above, a condition has been added that requires Saltbrush Lane modification to assure no future grading occurs on lot 6 once the MCRSP buildout is complete and Saltbrush Lane is constructed to full section.

#### **Architecture and Design**

As part of the project, each lot plans for one single-family residence. The site plan, floor plans, architectural elevations, colors, and roofing are provided as Attachment 0.

Policy 7c of the General Plan requires design plans to be coordinated with those of the Town Center and the current architecture. MCRSP Policy DD-8 indicates the architectural style should reflect traditional rural architecture. Architectural elevations were resubmitted that reflect a rural architecture by using vertical and horizontal siding, brick, fieldstone, ledgerstone, timber materials, colors and roofing material that combine to create a country sense. Each residence features sufficient articulation with various projections, recesses, and undulations on all four facades. Visual interest is provided with the varying window sizes and to break up the various panes of window glass. The earth tones of the proposed exterior colors and materials provide dynamic yet subtle color schemes that foster a unique curb appeal. The appearance of the residences from Marsh Creek Road is enhanced by the varied architectural elements, and minimal use of solid wall planes.

## **Residential Floor Area Analysis**

### **Building Footprint**

The purpose of the CMC 17.78.010 regulation is to implement the General Plan, which envisions maintaining the semi-rural character of the city and providing a variety of housing sizes. This regulation of the relationship of house size to lot size is intended to preserve and perpetuate the established relationship of buildings and spaces characteristic of Clayton's residential setting, where relatively modest residences are surrounded with generously sized areas of natural and landscaped open grounds; assure that the scale of residential development responds to the limitations created by constrained lot sizes; minimize the out-of-scale appearance of large residences relative to their lot size and to other residences in a neighborhood; minimize the environmental damage of tree removal and grading which may result from over-building; and expand the range of house sizes to accommodate housing needs and preserve and enhance diversity of housing.

The following demonstrates shows that the project conforms to the floor area analysis per the CMC, because the project square footage numbers are less than the maximum footages allowed in CMC 17.78.010.

Project Floor Area Analysis Table

Lot	NET Lot Area*	Building Footprint	Maximum Footprint Allowed (25%)	Floor Area	Maximum Floor Area (35%)
1	26,276	3,894	6,569	6,024	9,197
2	129,761	3,554	32,440	5,663	45,416
3	74,579	3,461	18,645	6,002	26,103
4	44,704	4,397	11,176	4,397	15,646
5	41,654	3,105	10,414	5,109	14,579
6	63,193	5,015	15,798	5,015	22,118

\*Net lot area means the total horizontal area included within a lot, excluding areas within vehicular or pedestrian access easements.

### **Landscaping**

The applicant has submitted a Landscape Plan for the project (see Attachment P). The applicant is providing a mixture of 7 types of trees including coast live oaks and valley oaks, yew, and crape myrtle trees as well as various shrubs, ornamental grasses, and groundcovers. Staff has provided a condition that, prior to a grading permit being issued for the project, a revised Landscape, Irrigation, Fencing, and Retaining Wall Plan shall be submitted along with construction plans for building permit issuance to the Community Development Director for review and approval. Landscaping is proposed in front of the residences and in the Saltbrush lane right-of-way. Landscape plans also show landscaping along Marsh Creek Road and the proposed Saltbrush Lane.

Staff has provided a condition that the landscaping for the project comply with the City's

landscape water conservation standards, as listed in Chapter 17.80 of the CMC. Landscape plans show the only water-thirsty landscape is a small grass area at each proposed home site. All other landscaping is low to moderate water use.

### **Fencing**

The fencing plans in the landscape plan package show a split double rail, a split-view fence (solid lower, wire top), a privacy fence, and open space wire fencing. Due to traffic along Marsh Creek Road, a sound study a mitigation measure was added to provide sound protection and thus construct sound walls at locations near the roadway instead of fencing. For visual concerns, the project is conditioned to remove the metal open space fence and provide the wire open space fencing.

### **Retaining Walls**

The proposed project includes construction of 3-foot high retaining walls on lots 1, 2, and 3. Lot 3 shows a double wall in the back yard to allow for a larger patio/yard area. Regrading on lot 6 to allow future full-section roadway for Saltbrush Lane may require additional 3-foot-high walls. The walls will be textured, colored block walls. All retaining walls visible from street or sidewalk areas are conditioned to be covered with a stone fascia.

### **Parking**

The architectural plans show garage parking for three cars, and the site plan shows parking for a minimum of two additional cars in the driveway. Until buildout of the MCRSP, Saltbrush Lane's modified section does not provide parking for the homes, however each lot and garage provides adequate parking.

### **TREE REMOVAL PERMIT**

None of the 21 trees surveyed are protected under the City of Clayton Tree Ordinance due to their size and species; however, as part of the project, the applicant is requesting approval of a Tree Removal Permit to remove nine trees, for which an Arborist Report has been submitted (see Attachment Q). Section 15.70.040.A of the CMC provides the options for tree replacement and the project landscape plans (see Attachment P) show abundant tree planting.

To minimize damage to public improvements (i.e. sidewalks), staff has provided a condition that trees planted less than 10 feet away from public improvements have root guards installed.

### **AGENCY COMMENTS**

The project conditions of approval list agency comments from Contra Costa County Flood Control and Water Conservation District, Contra Costa County Fire Protection District, Contra Costa Water District, CRIMSON PIPELINE L.P., and Phillips 66 Pipeline, LLC.

### **FISCAL IMPACT**

There are no immediate fiscal impacts associated with the application. Should the proposed project be approved, there would be an increase in property taxes, which would be a direct positive fiscal impact. In addition, after construction and occupancy of the homes, the residents

could have an indirect positive fiscal impact by shopping and eating at the local businesses and increasing sales taxes.

#### **ATTACHMENTS**

- A Planning Commission Resolution No. 02-2020 IS/MND
- B Planning Commission Resolution No. 03-2020 General Plan Map Amendment
- C Planning Commission Resolution No. 04-2020 Marsh Creek Road Specific Plan Map Amendment
- D Planning Commission Resolution No. 05-2020 Zoning Map Amendment
- E Clayton Zoning Map Amendment Ordinance
- F Planning Commission Resolution No. 06-2020 Vesting Tentative Map, Development Plan, Tree Removal
- G Vicinity and Site Map
- H General Plan Map Amendment Exhibit
- I Marsh Creek Road Specific Plan Map Amendment Exhibit
- J Zoning Map Amendment Exhibit
- K Constraints Map
- L Vesting Tentative Map
- M Preliminary Grading Plan
- N Utility Plan
- O Site and Architectural Plans (Floor Plans and Architectural Elevations, Exterior Colors and Materials)
- P Landscape and Fencing Plan
- Q Arborist Report
- R Initial Study/Mitigated Negative Declaration